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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,577	08/21/2003	John Vanlerson	API-114-A	9543
7590	02/24/2006		EXAMINER	
Donald L. Wood, Esq. Young & Basile, P.C. Suite 624 3001 West Big Beaver Road Troy, MI 48084			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/646,577	VANLTERSON, JOHN
	<b>Examiner</b>	<b>Art Unit</b>
	Greg Blankenship	3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5,13-17,21 and 22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5,13-17,21 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/21/2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All . b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 13-17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschwanger et al. (3,366,336) in view of Gedritis et al. (6,623,688) and further in view of Eustache et al. (5,561,882).

Neuschwanger et al. discloses a cowl structure that is positioned in a space between a lower front edge of a windshield (18) and a hood. The cowl extends laterally across the vehicle. The cowl includes a main body planar portion shown as the horizontal member extending from end (78) in Figure 3, a laterally extending channel (68), and a plurality of spaced apart mounting housing structures (78,80). The planar portion, the channel (68), and the housing structures (78,80) are integral with one another. Windshield washer fluid stored in bottle (110) is delivered to the windshield (18) through the channel (68) to the nozzles (118) in the housing structures (78,80). The housing structures (78,80) have openings that face rearward. In reference to claim 3, the mounting housing structures (78,80) have end portions that form the nozzle housings that extend from the upper surface of the main body portion, as shown in Figure 3. Figure 3 also shows that the nozzle housings have rearwardly opening cavities that are in fluid communication with the channel (68). In reference to claims 21 and 5, nozzles (118) are inserted into the cavities and direct fluid received through the channel (68)

and a respective connector passage (70) to the windshield (18). The mounting housing structures (78,80) have end portions that form the nozzle housings that extend from the upper surface of the main body portion, as shown in Figure 3. In reference to claims 13-17, the edge of the cowl structure closest to the windshield is designated the front edge. In reference to claim 22, the channel (68) is part of a structure that is secured to the rear edge of the main body portion, as shown in Figure 3. However, Neuschwanger et al. do not disclose the cowl structure being molded or having the claimed grille openings.

Gedritis et al. teaches forming a cowl structure (32) by a gas assisted molding process. Eustache et al. teach a cowl grill structure (300) having grille openings that are laterally spaced and located in the middle portion of the cowl structure, as seen in Figure 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form integral the cowl structure of Neuschwanger et al. by a gas assisted molding process, as taught by Gedritis et al., as an obvious expedient that would result in a cowl structure with the desired shape and stiffness; and

form laterally spaced grill openings in the middle portion of the main body portion of Neuschwanger et al., as taught by Eustache et al., resulting in a structure with the channel forward of the grill openings, to provide an air inlet for the HVAC system of the vehicle.

#### *Response to Arguments*

3. Applicant's arguments filed 12/9/2005 have been fully considered but they are not persuasive. The applicant has argued that Neuschwanger et al. do not disclose or teach a structure with a molded body plate portion with spaced grill openings. The examiner agrees that Neuschwanger et al. does not disclose or teach spaced grill openings in the molded plate portion of

their invention. Neuschwanger et al. clearly show a body plate portion that extends from end (78) in Figure 3. Eustache et al teach spaced grill openings in a body plate portion. The resulting combination of the structure of Neuschwanger et al. and the teaching of Eustache et al. result in a body plate portion with spaced grill openings. Gedritis et al. teach the molded feature of this element as set forth in the rejection.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

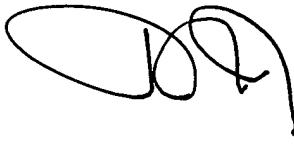
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab  
February 17, 2006



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2/21/06

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600